

Remarks

In the Office Action mailed September 20, 2004, the Examiner rejected all pending Claims 58-114, which are identical to original Claims 1-57 as initially filed. Applicants believe all pending claims, as originally filed, are allowable over the prior art. Applicants amended Claims 58, 72, 89, 100, and 111 for purpose of clarification. Applicants respectfully request allowance of pending Claims 58-114.

Information Disclosure Statement

Enclosed is an Information Disclosure Statement properly listing U.S. 5,610,922, a copy of which was previously provided to the Examiner. For the convenience of the Examiner, Applicants enclose another copy of that patent.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 58–65, 67, 72–79, 81, 89–95, and 99–106 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,610,910 (“*Focsaneanu*”) further in view of U.S. Patent No. 5,050,164 (“*Chao*”).

The Examiner rejected Claims 66, 69–70, 80, 83–84, 96–97, and 107–110 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*, further in view of U.S. Patent No. 6,560,222 (“*Pounds*”).

The Examiner rejected Claims 68, 82, 86, and 111–112 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*, further in view of U.S. Patent No. 6,201,562 (“*Lor*”).

The Examiner rejected Claims 71, 85, 98, and 109 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*, further in view of U.S. Patent No. 6,563,829 (“*Lyles*”).

The Examiner rejected Claims 87–88 and 113–114 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao* and *Lor*, further in view of U.S. Patent No. 6,678,253 (“*Health*”).

Applicants disagree with the Examiner’s rejections and respectfully request allowance of all pending Claims 58-114.

Independent Claim 58 and Dependent Claims 59-71

Independent Claim 58, as amended, recites:

A gateway for communicating telecommunication information, comprising:

a telecommunication interface module operable to receive first telecommunication information for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network; and

one or more packetization modules operable to generate first data packets for communicating the first telecommunication information to first customer premises equipment according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information to second customer premises equipment according to a second data communication protocol associated with the second subscriber.

The Examiner rejected Claim 58 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*. However, the Examiner's cited references do not disclose, teach, or suggest "one or more packetization modules operable to generate first data packets for communicating the first telecommunication information to first customer premises equipment according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information to second customer premises equipment according to a second data communication protocol associated with the second subscriber," as recited in Claim 58. The Examiner incorrectly relies on *Focsaneanu* to show this limitation.

The Examiner does not provide any suitable response to Applicants' first argument for allowance, which is that *Focsaneanu* does not describe any packetization modules that generate data packets for communicating telecommunication information from a telecommunication network to customer premises equipment. The Examiner stated, "*Focsaneanu* discloses packetized data traffic and packetized voice, refer to col. 11 lines 1-15." (Office Action at p. 4). In Applicants' previous Response filed July 2, 2004, Applicants cited the same portion of *Focsaneanu* and pointed out that *Focsaneanu* describes packetizing voice for communication across the data network 214—not for communication from the PSTN 212 to the customer premises 202, 204 or 206. See Fig. 7. In particular, *Focsaneanu* states, "[T]he access module [208] can packetize voice at PAD 550 and route voice traffic on a data network." (Col. 11, ll. 12-14) (emphasis added).

In response, the Examiner states that the claims do not include the limitation "communication from PSTN to the customer." (Office Action at p. 15). To the contrary, Claim 58, as originally filed, provided that the gateway includes a "a telecommunication interface module operable to receive first telecommunication information for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network." (emphasis added). Moreover, to clarify the limitation, Applicants amended Claim 58 to further specify that the gateway includes "one or more packetization modules operable to generate first data packets for communicating the first telecommunication information to first customer premises equipment according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information to second customer premises equipment according to a second data communication protocol associated with the second subscriber." (emphasis added).

The Examiner also relies on several partial sentences from the following paragraph of *Focsaneanu*:

As also discussed above, today most data access is channelized due to the end-to-end requirements of modems in the access and transport networks. This invention provides the technology of interfacing CPEs and communications networks which encompass PSTN, data networks, wireless networks, satellite networks, CATV, ATM networks and the like, through local access to form a universal services network. This is accomplished by the use of a common protocol for encapsulating the data and signaling information between the CPE connector and the access module (this protocol is identical for all access media) and a transmission protocol appropriate for each access medium (e.g. 2B1Q for copper pairs). *According to one aspect, the invention provides bi-directional emulation of the modem at the access module* such that the channelized circuit functionality of the modem need not be transmitted across the transport network to the called party and statistical multiplexers and other compression techniques can be utilized at the access module to decrease network costs. Only the useful portion of the data is transmitted in the transport network. *The transmission format can also be adapted at the access module (e.g. rate adaptation, protocol adaptation, etc.) to better match the terminals, transport, or service capability available.*

(Col. 6, l. 53 - col. 7, .9); (Office Action at pp. 15-16, citing col. 6, ll. 65-67 and col. 7, ll. 10-18).

But again, this portion of *Focsaneanu* does not disclose, teach, or suggest generating data packets for communicating telecommunication information (such as voice) to customer premises equipment. First, this portion of *Focsaneanu* does not mention packetizing voice or other telecommunication information. Second, the mention of protocol adaptation cited by the Examiner relates to communication across a transport network, such as the PSTN or a data network in Figure 6—not communication from access module 208 to CPE connector 202, 204, and 206 using local access 210. Indeed, *Focsaneanu* expressly indicates that communication between each CPE connector 202, 204, and 206 and access module 208 over local access 210 involves the use of one common protocol:

This is accomplished by the use of a common protocol for encapsulating the data and signaling information between the CPE connector and the access module (this protocol is identical for all access media) and a transmission protocol appropriate for each access medium (e.g. 2B1Q for copper pairs).

(Col. 6, ll. 60-65.) (access added). This expressly teaches away from Applicants' invention which involves using more than one data communication protocol to communicate telecommunication information to subscribers' customer premises equipment.

The Examiner also states, "*Focsaneanu* discloses 'It is called collectively a service provider but in reality there are many service providers including PSTN providers, data switched network providers, data network access service providers, database service providers, wireless access providers, CATV service providers etc. CPEs are able to seamlessly access various services provided by the service provider through local access and cooperating modules called CPE connector and an access module.'" (Office Action at p. 16, quoting col. 7, ll. 20-30). Again, this quoted passage from *Focsaneanu* relates to communication across a transport network, such as the PSTN or a data network in Figure 6—not communication from access module 208 to CPE connector 202, 204, and 206 using local access 210. Furthermore, the Examiner does not explain how this passage relates to Applicants' claimed invention. The passage does not disclose, teach, or suggest generating data packets for communicating telecommunication information to customer premises equipment.

The Examiner does not provide any suitable response to Applicants' second argument of allowance, which is that *Focsaneanu* does not disclose the use of two or more different data communication protocols to generate data packet for communicating telecommunication information from the PSTN to customer premises equipment. Applicants point out that

Focsaneanu teaches away from the present invention by describing the use of a single, identical protocol between the CPE connector and the access module:

This is accomplished by the use of a common protocol for encapsulating the data and signaling information between the CPE connector and the access module (this protocol is identical for all access media) and a transmission protocol appropriate for each access medium (e.g. 2B1Q for copper pairs).

(Col. 6, ll. 60-65.) (emphasis added).

The Examiner provides contradictory and inconsistent responses. In the Office Action, the Examiner initially agrees with Applicants, stating: “*Focsaneanu* does not disclose expressly, using terms: ‘a first data communication protocol or second communication protocol, first subscriber, second subscriber, first telecommunication information, second telecommunication etc.’” (Office Action at p. 4). Then, the Examiner later purports that *Focsaneanu* shows just that. (Office Action at pp. 14-15). However, as pointed out above, all the Examiner’s citations to *Focsaneanu* (i.e., “different types of transport networks,” “protocol adaptation,” and “protocol conversion”) relate to communication across a transport network, such as the PSTN or a data network in Figure 6—not communication from access module 208 to CPE connector 202, 204, and 206 using local access 210.

For at least these reasons, the Examiner’s cited references do not disclose the gateway of Claim 58. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 58, as well as dependent Claims 59-71 which dependent from Claim 58.

Independent Claim 72 and Dependent Claims 73-88

Independent Claim 72, as amended, recites:

A method for communicating telecommunication information, comprising:

receiving first telecommunication information for a first subscriber from a telecommunication network;

generating first data packets for communicating the first telecommunication information to first customer premises equipment according to a first data communication protocol associated with the first subscriber;

receiving second telecommunication information for a second subscriber from the telecommunication network; and

generating second data packets for communicating the second telecommunication information to second customer premises equipment according to a second data communication protocol associated with the second subscriber.

The Examiner rejected Claim 72 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*. However, the Examiner's cited references do not disclose, teach, or suggest "generating first data packets for communicating the first telecommunication information to first customer premises equipment according to a first data communication protocol associated with the first subscriber" and "generating second data packets for communicating the second telecommunication information to second customer premises equipment according to a second data communication protocol associated with the second subscriber," as recited in Claim 72. The Examiner again incorrectly relies on *Focsaneanu* to show this limitation. As described above with reference to Claim 58, *Focsaneanu* does not describe generating data packets for communicating telecommunication information received from a telecommunication network to customer premises equipment, and more particularly, *Focsaneanu* does not disclose the use of two or more different data communication protocols to generate the data packets for communicating the telecommunication information.

For at least these reasons, the Examiner's cited references do not disclose the method of Claim 72. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 72, as well as dependent Claims 73-88 which dependent from Claim 72.

Independent Claim 89 and Dependent Claims 90-99

Independent Claim 89, as amended, recites:

A system for communicating telecommunication information, comprising:

a memory operable to store subscriber profiles associating each of a plurality of subscribers with a data communication protocol;

a telecommunication interface module operable to receive telecommunication information for a subscriber from a telecommunication network; and

a packetization module operable to generate data packets for communicating the telecommunication information to customer premises equipment according to a data communication protocol associated with the subscriber.

The Examiner rejected Claim 89 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*. However, the Examiner's cited references do not disclose, teach, or suggest "a packetization module operable to generate data packets for communicating the telecommunication information to customer premises equipment

according to a data communication protocol associated with the subscriber,” as recited in Claim 89. The Examiner again incorrectly relies on *Focsaneanu* to show this limitation. As described above with reference to Claim 58, *Focsaneanu* does not describe a packetization module that generates data packets for communicating telecommunication information received from a telecommunication network to customer premises equipment, and more particularly, *Focsaneanu* does not disclose a packetization module that uses a data communication protocol associated with the subscriber to generate the data packets for communicating the telecommunication information.

For at least these reasons, the Examiner's cited references do not disclose the system of Claim 89. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 89, as well as dependent Claims 90-99 which dependent from Claim 89.

Independent Claim 100 and Dependent Claims 101-110

Independent Claim 100, as amended, recites:

A method for communicating telecommunication information, comprising:

associating each of a plurality of subscribers with a data communication protocol;

receiving telecommunication information for a subscriber from a telecommunication network; and

generating data packets for communicating the telecommunication information to customer premises equipment according to a data communication protocol associated with the subscriber.

The Examiner rejected Claim 100 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*. However, the Examiner's cited references do not disclose, teach, or suggest “generating data packets for communicating the telecommunication information to customer premises equipment according to a data communication protocol associated with the subscriber,” as recited in Claim 100. The Examiner again incorrectly relies on *Focsaneanu* to show this limitation. As described above with reference to Claim 58, *Focsaneanu* does not describe generating data packets for communicating telecommunication information received from a telecommunication network to customer premises equipment, and more particularly, *Focsaneanu* does not disclose the use of a data communication protocols associated with the subscriber to generate the data packets for communicating the telecommunication information.

For at least these reasons, the Examiner's cited references do not disclose the method of Claim 100. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 100, as well as dependent Claims 101-110 which dependent from Claim 100.

Independent Claim 111 and Dependent Claims 112-114

Independent Claim 111 recites:

A system for communicating telecommunication information, comprising:

a gateway operable to associate each of a plurality of subscribers with a data communication protocol, to receive telecommunication information for subscribers from a telecommunication network, and to generate data packets for communicating each subscriber's telecommunication information to each subscriber's customer premises equipment according to the data communication protocol associated with each subscriber;

a digital subscriber line access multiplexer (DSLAM) operable to communicate at least some of the data packets generated by the gateway to an integrated access device (IAD) using a digital subscriber line; and

a cable modem termination system (CMTS) operable to communicate at least some of the data packets generated by the gateway to a media terminal adapter (MTA) using a cable link.

The Examiner rejected Claim 111 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*, further in view of *Lor*. However, the Examiner's cited references do not disclose, teach, or suggest "a gateway operable to associate each of a plurality of subscribers with a data communication protocol, to receive telecommunication information for subscribers from a telecommunication network, and to generate data packets for communicating each subscriber's telecommunication information to each subscriber's customer premises equipment according to the data communication protocol associated with each subscriber," as recited in Claim 111. The Examiner again incorrectly relies on *Focsaneanu* to show this limitation. As described above with reference to Claim 58, *Focsaneanu* does not describe a gateway that generates data packets for communicating telecommunication information received from a telecommunication network to customer premises equipment, and more particularly, *Focsaneanu* does not disclose a gateway that uses

a data communication protocols associated with the subscriber to generate the data packets for communicating the telecommunication information.

For at least these reasons, the Examiner's cited references do not disclose the system of Claim 111. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 111, as well as dependent Claims 112-114 which dependent from Claim 111.

Conclusion

Applicants have made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jeffery D. Baxter, Attorney for Applicants, at the Examiner's convenience at (214) 953-6791.

Applicants enclose a check for \$790.00 to cover the cost of filing this Request for Continued Examination. Applicants believe that no other fees are due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Jeffery D. Baxter
Reg. No. 45,560

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CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980
Tel. (214) 953-6791
Fax. (214) 661-4791

Customer Number

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